

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 315 of 1985

in

SPECIAL CIVIL APPLICATION No 1355 of 1981

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL  
and

Hon'ble MR.JUSTICE C.K.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?

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S R KALAY

Versus

UNION OF INDIA

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Appearance:

MR MR VYAS for Appellant

MR JC SHETH for Respondent No. 1, 2, 3, 4

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CORAM : MR.JUSTICE B.C.PATEL and  
MR.JUSTICE C.K.BUCH

Date of decision: 22/12/98

ORAL JUDGEMENT [ PER : B.C. PATEL, J ]

The appellant failing before learned Single Judge

in Special Civil Application, has approached this Court by making a grievance that though no order was challenged, on behalf of Railways a statement was made that the order will be cancelled shortly and it may be treated as cancelled and in view of the statement, petition was disposed of having become infructuous.

In the beginning of this appeal, it is pointed out that the petitioner questioned seniority list and, therefore, a prayer was made that the respondents be restrained from implementing seniority list at Annex.A. Without going into the merits of the case, as the appellant has already retired, Mr. Sheth appearing for the respondents as well as learned advocate for the appellant submitted that if respondents are directed to consider the representation which has already been made and the petition may also be considered as representation and respondents if is directed to dispose of the same within a period of 4 months, the ends of justice would be met with.

Accordingly, we direct respondents concerned to treat this petition as representation as well as representation which had already been made and to decide the same within a period of 4 weeks from receipt of the writ. After considering representation, if authority decides against the petitioner, it would be open for him to challenge the same. Authority shall comply with the directions as above forth with.

In view of what is stated herein above, appeal stands allowed accordingly. Order passed by learned Single Judge is quashed and set aside in view of directions given as above. Spl.C.A. stands allowed accordingly. No costs.

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